

1/3/05

**COPY**

**T.C. 2800 - Box Reconstruction**

PATENT

Attorney Docket No. MTI-31532

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Weimer, Ronald A.  
Serial No. : 09/941,827  
Filing Date : August 29, 2001  
For : Method of Improved High K Dielectric-Polysilicon Interface  
for CMOS Devices  
Examiner : HUYNH, Yennhu B.  
Group Art Unit 2813  
Confirmation No.: 7551

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to T.C. 2800 - Box Reconstruction, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV405078643US.

Date: January 3, 2005

Patricia Pickum

**T.C. 2800 - Box Reconstruction**  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Arlington, VA 22313-1450

**RESPONSE TO NOTICE UNDER 37 CFR § 1.251 - PENDING APPLICATION**

Sir:

This is in response to the Notice under 37 CFR § 1.251, mailed December 15, 2004, with respect to the above-identified application. The Office has indicated that this application cannot be located, and has requested Applicant to reconstruct the file of this application.

Enclosed herewith is a copy of all correspondence between the Office and Applicant for the above-identified application (except for U.S. patent documents), as listed below:

Tab	Date	Description
1.	08-29-2001	(By Applicant) U.S. Patent Application; Application Transmittal Form, Fee transmittal, Formal drawings, Combined Declaration/POA; Assignment with Cover Letter; Application Data Sheet; Fee Payment (Check No. 144413), Power of Attorney by Assignee and Certificate; Return postcard
2.	10-05-2001	(By USPTO) Filing Receipt
3.	10-05-2001	(By USPTO) Notice to File Corrected Application Papers
4.	10-22-2001	(By Applicant) Response to Notice to File Corrected Papers, and Preliminary Amendment; Copy of Notice; Transmittal Form; Substitute Specification; Return postcard
5.	11-06-2001	(By USPTO) Notice of Recordation of Assignment Document
6.	11-28-2001	(By Applicant) Information Disclosure Statement; Form PTO-1449; 15 references (US patents); Return postcard
7.	08-09-2002	(By USPTO) Office Action (Election/Restriction )
8.	09-09-2002	(By Applicant) Transmittal Form; Response to Restriction/Preliminary Amendment; Replacement claims; Blacklined claims; Check (excess claims fees); Return postcard
9.	11-04-2002	(By USPTO) Office Action (Election/Restriction )
10.	12-03-2002	(By Applicant) Transmittal Form; Response to Restriction/Preliminary Amendment; Replacement claims; Blacklined claims; Supplemental IDS, Form 1449, 3 references; Check (excess claims fees); Return postcard
11.	02-25-2003	(By USPTO) Office Action (Election/Restriction )
12.	03-06-2003	(By USPTO) Notice of Publication of Application
13.	03-25-2003	(By Applicant) Response to Restriction (From USPTO): Auto-reply facsimile transmission confirming receipt of Response
14.	06-03-2003	(By USPTO) Office Action
15.	09-04-2003	(By Applicant) Response; Transmittal Cover Sheet; copy of previously submitted IDS and Form 1449; Return postcard
16.	02-09-2004	(By Applicant) Status Inquiry
17.	05-17-2004	(By Applicant) Status Inquiry (From USPTO): Auto-reply facsimile transmission confirming receipt
18.	08-17-2004	(By Applicant) Status Inquiry
19.	11-10-2004	(By Applicant) Status Inquiry (From USPTO): Auto-reply facsimile transmission confirming receipt
20.	12-15-2004	(By USPTO) Notice under 37 CFR § 1.251 - pending application

The enclosed copy is a complete and accurate copy of Applicant's record of all the correspondence between the Office and the Application for the above-identified application (except for U.S. patent documents).

**Extension of Term.** The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. If any extension and/or fee are required, please charge Account No. 23-2053.

Respectfully submitted,



Kristine M. Strodthoff  
Registration No. 34,259

Dated: January 3, 2005

WHYTE HIRSCHBOECK DUDEK S.C.  
555 East Wells Street, Suite 1900  
Milwaukee, Wisconsin 53202-3819  
(414) 273-2100

Customer No. 31870



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20530  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/941, 827

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

Dec 15, 2004

## NOTICE UNDER 37 CFR 1.251 - Pending Application

☒ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☒ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

T.C. 2800 - BOX RECONSTRUCTION  
PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA., 22313-1450

Direct questions concerning this notice to:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of:

WEIMER, Ronald A

Application No.:

09/941,827

Filing Date:

AUGUST 29, 2001

Title:

Method of Improved High K Dielectric-Polysilicon  
Interface for CMOS Devices

Direct to:

T.C. 2800 - BOX RECONSTRUCTION  
PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA., 22313-1450

## NOTICE UNDER 37 CFR 1.251 - Pending Application

Statement (check the appropriate box):

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☒ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

January 3, 2005

Date

Kristine M. Strodthoff

Signature

Kristine M. Strodthoff

Typed or printed name

Reg. No. 34,259

A copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.